

March 10, 2011

The Board of Public Works & Safety met at 4:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling and Higgins attending. Others attending were Chief Beloit; Chief Waters; Comm. Maynard; Aaron Burk, Judy Thomann, and Keith Lochmueller – Bernardin Lochmueller and Associates; Bob and Ruth Ann McDurmon; Eddie and Darlene McConnell; Dennis Feldhaus – Old National Insurance; Jeff Pruitt – Southwest Indiana Econ. Dev. Coalition; Robert Hast; representatives of Kieffer Brothers; Reynolds, Inc.; Empire Contractors; Bowen; Deig Brothers; Shook Construction; and MC Industrial; Pam Robinson – Posey County News; Sara Manifold – Mount Vernon Democrat; and riving during the meeting, Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Fuelling moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the reports of the Departments.

Chief Beloit stated Sgt. Dike will be retiring effective April 30, 2011 and normally when someone retires, they take their duty weapon with them. He stated Sgt. Dike is requesting as monetary payout instead, with the department keeping the duty weapon for the new hire. He added he realizes as there is no procedure in place for this, it may need to be run by Attorney Higgins.

Board member Fuelling stated that sounds good to him.

Board consented to pursue with Attorney Higgins.

Mayor Tucker asked if there were any questions ?

There were none.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Supt. Givens arrived at the meeting and stated he has no report at this time.
Mayor Tucker asked if there were any questions ?
There were none.

Comm. Maynard stated he has no report.
Mayor Tucker asked if there were any questions ?
There were none.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.
Supt. Givens stated before they get into that, he asked if anyone had heard from Attorney Higgins on the BP situation ?
Mayor Tucker stated nothing has been sent to his knowledge.

Mayor Tucker stated they will now open the Bids received for the CSO Long Term Control Plan Construction Project, Phase II.
Clerk-Treasurer Sitzman opened the bids in the order in which they were received, as follows:

1. Kieffer Brothers Construction Co. Inc, accompanied by Bid Bond

\$11,148,400.00

2. Reynolds, Inc., accompanied by Bid Bond

\$11,687,000.00

3. Empire Contractors, Inc., accompanied by Bid Bond

\$13,245,000.00

4. Bowen Engineering Corporation, accompanied by letter citing Bonds

\$11,960,000.00

5. Deig Brothers, accompanied by Bid Bond

\$11,549,551.00

6. Shook Construction, accompanied by Bid Bond

\$11,496,000.00

7. M C Industrial, accompanied by Bid Bond

\$14,108,800.00

Mayor Tucker stated let the record show that seven bids were received and read aloud, copies will be given to Bernardin Lochmueller, Attorney Higgins and Supt. Givens, and that they will now be taken under advisement.

Mr. Burke added the low bidder, once determined, will have five days to provide information on funding.

Mayor Tucker asked if Supt. Givens had any questions or comments ?

Supt. Givens replied no, they will now wait for the review by Attorney Higgins and he would also like to thank all the bidders for the interest in this project.

Representatives of the bidding firms then left the meeting.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

Ruth Ann McDurmon stated she lives at 1530 Lark Lane and on February 24, 2011 they had sewer back up into their basement. She stated this started around 9:00 pm and went on until around 3:00 am, resulting in a foot of water in their basement. She added she was lucky, her insurance company paid for the damages, but her neighbors were not as lucky. She then stated she called the sewer plant, as she had been instructed to do in the past, and did not immediately get a call back. Actually, she was told by dispatch, which she finally resorted to calling that no one would be out because it was raining. She stated it was an hour and a half before anyone showed up. She concluded by stating her insurance company, and her neighbors themselves, would like reimbursed for their damages and they would like to know what happened and why it happened. It was a real mess.

Darlene McConnell approached and stated she is not only representing herself, but also Karl and Linda Dorff who could not be present. She then presented the following letter to the Board:

I N S E R T

Mrs. McConnell then stated Mrs. McDurmon asked for help and got none for over an hour and a half. She stated she had 6" of water in their basement and she also called the Mayor for help. She added she even called other neighbors to warn them that this may be getting ready to happen to them as well. She stated her insurance company will not cover the damages and they have spent over \$3,000 so far, \$2,500 on Stanley Steamer alone to dry them out. She wondered if they had gotten help sooner if it would have flooded at all. She then stated it was just a nightmare. She concluded by asking what procedures were in place by the City in case this happens again.

Robert Hast then approached and stated he lives at 1237 Cardinal Drive and also suffered damages. He asked if it is now safe for him to lay his new carpet. He added he has lived in his home for 41 years and has never had water in his basement. He wondered if there were pump problems.

Mayor Tucker stated Mr. Hast asks a fair question and stated Supt. Givens and the engineers are here to help address this.

Supt. Givens stated in reference to the new carpet, yes, he feels it would be safe to lay it, but he can not guarantee it will never happen again. He added things happen due to Mother Nature, equipment failures, etc. He then stated the pumps were working properly and were pumping pretty hard. He

added they just took on too much rain, and the cause of the failure is up for debate. He then stated he can not guarantee anything and he is very sorry that it happened – something definitely went wrong on February 24th.

Mrs. McDurmon asked if anything has been done yet ?

Supt. Givens replied there is an SSO down there and it needs to be eliminated. There may need to be bigger pumps. The overflow had been sealed off, though right now, it is open, and when it is open, there are no issues. He stated if the overflow had been open, this might not have happened.

Mrs. McDurmon asked why the red light is on at the lift station ?

Supt. Givens replied that indicates that two pumps are pumping and that there is a high flow.

Mrs. McDurmon stated they called and called and called that night, they finally had to call the police and she feels that is unacceptable. She added Mr. Moss was on vacation in Florida and he must have then called someone out.

Supt. Givens stated nothing could have been done that night to prevent this.

Mrs. McDurmon replied she disagrees with that. She stated a truck showed up and pumped water and it went down. Had they done that earlier maybe it would not have been so bad.

Supt. Givens asked if Mr. Moss did not respond to her message ?

Mrs. McDurmon replied he never called, someone came out after dispatch called twice.

Mr. Burke stated the VacCon truck can hold 3000 gallons, but the flow coming out of there was around 1100 gallons per minute.

Supt. Givens stated the neighbors did the right thing by calling and he is sorry they didn't get a response right away.

Mrs. McDurmon stated she placed an emergency call but did not get an emergency response.

Mrs. McConnell stated 37 years ago they had water in their basement and Mrs. McDurmon's parents lived in Mrs. McDurmon's house, it flooded then as well.

Mr. McConnell asked the overflow limit ? He stated the pumps didn't run until the water level went down. He then added there is also ditch water running into the wet well.

Supt. Givens stated the sump pump didn't kick on.

Mayor Tucker stated he apologizes for what happened and he promises the city will get to the bottom of it. He added the city is aware of the issues in the area and they have already spent money out there in the hopes of correcting them.

Mr. Burke then explained more of the mechanics of the pumps themselves and how they are designed to work.

Supt. Givens stated they pumped out the housing for the pumps first when they got there so the pumps didn't quit – that would have really been an issue. He then stated they were running at 60Hz, the max. He then stated water would have come out the top lid of the lift station if the pumps were not pumping. He added nothing appeared wrong with the pumps.

Mr. McConnell stated that is why they need a limit there.

Mr. Burke stated the pumps are pumping now and recovered if they HAD kicked out.

Mr. McConnell stated the overflow drain was filled with concrete.

Mayor Tucker added IDEM does not like that being open but they have consented for now, picking the lesser of two evils.

Mr. Burke stated IDEM is giving the city a temporary allowance, as IT IS ILLEGAL to have that SSO open, they are using a discretionary enforcement and giving the city time to solve it.

Mrs. McDurmon asked if Supt. Givens or the city gets alarms or alerts when something goes wrong ?

Supt. Givens replied yes, but he has been having computer issues.

Mrs. McDurmon stated she has never had problems before.

Supt. Givens stated misleading things are happening. He really did not think there was an issue out there anymore. He then stated he apologizes over and over for this happening and he will personally go door to door to tell folks if IDEM wants the overflow closed before there is a solution found.

Mrs. McDurmon asked if there are any more improvements planned for the lift station ?

Mr. Burke replied no, not to the lift station.

Mayor Tucker added it sounds like they need to televise the line, do some smoke testing, etc. He then stated the left station seems fine but there will be some work on the telemetry system during Phase 2.

Mrs. McDurmon stated she feels more comfortable after talking with Supt. Givens and the Board.

Mayor Tucker stated Dennis Feldhaus is with the ONB Insurance, the city's insurance carrier.

Mr. Feldhaus stated he has empathy for everyone affected by this as he has been through a similar situation back in 1983. He added he has spoken with everyone and he has submitted a claim to the carrier. He then stated he will get back with the carrier with a summary of this meeting. He added before the city can respond to the claims, negligence needs to be shown on the city's side. He then stated from what he is hearing today, it appears there are some questions about the city's response tie, pumps not running, etc. Unfortunately, he stated, discussions take time but he feels the adjustor may be open minded for compensation, as the city may be at fault here. He stated he is sure that everyone called their own insurance carriers, and he also suggests they add this type coverage to their policy. He stated he will speak to the adjustor tomorrow and then put all of the facts together. He added he sees areas here of possible city negligence, but they will get to the bottom of it, it just takes time. He concluded by stating everyone needs to make sure they have documented and kept record of everything they have spent on the damages.

Mayor Tucker stated he apologizes and thought everything out in the area was fixed, but the city will get to the bottom of it, that's a promise.

Mrs. McConnell added that no adjustor even came out and looked at anything at their home, and that made somewhat ill at ease.

Mayor Tucker thanked everyone for coming to the meeting.

The McConnell, the McDurmons and Mr. Hast then left the meeting.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

Board member Fuelling he had a request from a family on Riviera who had sewage back up in their basement, across the street from the bowling alley.

Mr. Feldhaus left the meeting.

Board member Fuelling stated it appears this issue goes past the lateral and into the main, per Roto Rooter. He stated the Morrows are asking the city to put in a six inch clean out, before the manhole, that they would then take care of and watch and pay Roto Rooter to clean out when needed.

Supt. Givens stated it is their line, they can do anything they want.

Board member Fuelling replied the line is not in their yard, but it is in the city right-of-way.

Supt. Givens stated the city has an easement for service on the line, but the facts here have not been fully determined.

Board member Fuelling asked if the city can put the clean out in ?

Supt. Givens replied it is not the city's responsibility to do that on the homeowner's line.

Board member Fuelling stated he would encourage the city to put the clean out in or give permission for the Morrows to put it in.

Supt. Givens added that if the city did that, they would then have to do it for everyone.

Board member Fuelling stated the main is where the issue is. He then asked if they could televise the line ?

Supt. Givens replied yes, they can televise that line.

Mayor Tucker suggested they do just that and get with Attorney Higgins on the legalities of digging up a line on someone else's property. He added the mains are the city's responsibility, the laterals are the responsibility of the homeowner.

Supt. Givens stated he believes the Morrows also want their Roto Rooter bill reimbursed.

Board member Fuelling replied he would agree to that if the problem was the city's. He then asked that the city be as helpful as they can be on this.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Fuelling moved the meeting be adjourned. Seconded by Board member Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer